

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JEREMY RODRIGUEZ-ORTEGA, and
JOSHUA RODRIGUEZ,

Plaintiffs,

v.

No. 1:21-cv-01129-JCH-KK

DAVID RICH, KENNETH LUCERO,
in their official and individual capacities,
L. TERESA PADILLA, in her individual capacity,
and NEW MEXICO DEPARTMENT OF HEALTH,

Defendants.

**DEFENDANT L. TERESA PADILLA'S FIRST SET OF INTERROGATORIES AND
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF
JEREMY RODRIGUEZ-ORTEGA**

TO: Jeremy Rodriguez-Ortega
c/o Heather Burke
1000 Cordova Place #24
Santa Fe, NM 87505
heather@burkelaw.com

Defendant L. Teresa Padilla, through its attorneys of record, Conklin, Woodcock & Ziegler, P.C. (Carol Dominguez Shay and Philip Huntzman), requests that Plaintiff Jeremy Rodriguez-Ortega ("Plaintiff," or "you") answer the following Interrogatories and Requests for Production of Documents propounded by Ms. Padilla separately, fully, in writing, and under oath, based upon the facts or information available to you or your agents within thirty (30) days, pursuant to the Federal Rules of Civil Procedure.

DEFINITIONS

The term "document" or "documents" is intended to be comprehensive, and includes, but is not limited to, originals, photocopies or other reproductions of:

local governments, governmental agencies, political subdivisions, partnerships, groups, associations and other businesses, professional or public organizations.

To “identify” a document, or state the “identity of” a document, shall mean to state with respect thereto:

- (a) The identity of the person who prepared it;
- (b) The identity of the person who signed it, or over whose signature it was or is issued;
- (c) The identity of each person to whom it was addressed or distributed;
- (d) The nature and substance of the document with sufficient particularity to enable it to be identified;
- (e) The date, if any, which the document bears; and,
- (f) The present location of the document, including the identity of its custodian or custodians; or in lieu thereof, attach a copy of said document to your response to these Interrogatories.

To “identify,” or state the “identity of,” a person shall mean to state with respect thereto:

- (a) The person’s full name;
- (b) The person’s title and business or professional affiliation, if any, as of the time to which the answer relates; and,
- (c) The person’s present title and business or residential addresses and telephone numbers.

INTERROGATORIES

INTERROGATORY NO. 1: Please provide the names, addresses and telephone numbers of all persons who assisted in answering this set of Interrogatories and identify the specific Interrogatories that each person assisted in answering.

ANSWER:

INTERROGATORY NO. 2: Please identify each person who has knowledge of your FMLA applications with the New Mexico Department of Health. Include in your answer their name, address, telephone number, relationship to you, the extent of each person's knowledge, what communications you had with each, and if the person is or has ever been an employee of DOH.

ANSWER:

INTERROGATORY NO. 3: Please identify each person who has knowledge of your application and hiring with the New Mexico Department of Health and any subsequent complaints about that process you asserted as alleged in your Amended Complaint. Include in your answer their name, address, telephone number, relationship to you, the extent of each person's knowledge, what communications you had with each, and if the person is or has ever been an employee of DOH.

ANSWER:

INTERROGATORY NO. 4: Please describe in your own words, without merely referencing the allegations stated in your Amended Complaint, what took place in the March 2, 2020 meeting between you, David Rich, and Ms. Padilla, including in your answer the identification of any witnesses to that meeting other than the people named in this interrogatory.

ANSWER:

INTERROGATORY NO. 5: If at any time since May 20, 2020 you have been unable to work because of injury, illness or disability, identify the dates you could not work, identify the

person(s) who treated or evaluated you, and produce all documents relating to such condition(s), treatment(s), or evaluation(s).

ANSWER:

INTERROGATORY NO. 6: State the total amount of the damages you are claiming or seeking in this action from DOH. Explain in detail how you arrived at the figures for the damages claimed by identifying each item or element of damages comprising the total amount.

ANSWER:

INTERROGATORY NO. 7: State the total amount of income you have earned or otherwise received, including wages, salaries, bonuses, insurance benefits, short or long-term disability benefits, unemployment compensation, workers' compensation, social security or other income, payments, revenue or remuneration of any kind received from any and all sources (other than DOH) from July 25, 2020 to the present. Include in your answer:

- (a) the organization(s) or entity providing the benefits or income;
- (b) the nature of such income; and,
- (c) the date(s) you received such income.

ANSWER:

INTERROGATORY NO. 12: List the name, address, official title, if any, and other identification of all witnesses who are contemplated, may, or will be called upon to testify in support of your claim in this action, indicate the nature and substance of the testimony which is expected will be given by each such witness, and if any such prospective witnesses are related to you, state the relationship. For any expert witnesses you list, also list their credentials.

ANSWER:

INTERROGATORY NO. 13: Please identify all internet social media and networking websites, applications, and/or accounts that you have used and/or maintained for the time period of July 25, 2017 to the present (including, but not limited to, Facebook, Twitter, Instagram, Foursquare, YouTube, Pinterest, Google+, Tumblr, Flickr, Skype, FaceTime, TikTok, Vine, Shutterfly, and the like) and for each item identified, please state all usernames and passwords you have used to access each.

ANSWER:

INTERROGATORY NO. 14: Please identify your residential address(s) from May 1, 2020 to the present, and the name of any person (residing with you at your current residence and state each person's relationship with you.

ANSWER:

INTERROGATORY NO. 15: Please identify the accuser in paragraph 219 of your Complaint.

ANSWER:

INTERROGATORY NO. 16: Please identify the witness in paragraph 220 of your Complaint.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: All documents (see above definition) which were utilized, referred to, or identified by you in answering Ms. Padilla's First Set of Interrogatories.

RESPONSE:

REQUEST NO. 2: All documents (see above definition) which you contemplate, or could reasonably contemplate, using as exhibits or otherwise at any hearing or trial in support of any claim or to refute any defense in this lawsuit.

RESPONSE:

REQUEST NO. 3: All documents (see above definition) referring to, discussing, or in any way relating to the allegations of retaliation as stated in your Complaint or that you believe are related to the above-captioned lawsuit.

RESPONSE:

REQUEST NO. 4: All documents (see above definition) which support, or provide evidence of, or relate to any of your claims for damages as alleged in your Complaint.

RESPONSE:

REQUEST NO. 5: Copies of your Federal and State income tax returns, including all schedules, W-2s and 1099s, from 2020 through the present.

RESPONSE:

REQUEST NO. 6: All documents in your possession or control (see above definition; this includes e-mails and text messages) sent to or received from any present or former NMDOH or New Mexico State Personnel Office (“NMSPO”) employee since June 1, 2020 to the present.

RESPONSE:

REQUEST NO. 7: All documents (see above definition) relating to or reflecting all income, benefits, or moneys received by you from any and all sources (other than NMDOH) from July 25, 2020 to the present, including but not limited to, checks or pay stubs, receipts, earnings records, correspondence, and any other documents reflecting any remuneration for work performed by you.

RESPONSE:

REQUEST NO. 8: All documents (see above definition) relating to any attempts by you to obtain employment or contract work, including any, applications for employment or contract work, which includes self-employment work from June 1, 2020, to the present (other than from NMDOH) and any document relating to the reasons you were not hired for any positions.

RESPONSE:

REQUEST NO. 9: For any and all employment (including self-employment) you have had since June 1, 2020 (other than NMDOH), please provide copies of all documents relating to any remuneration, wages and/or benefits provided or available to you (including but not limited to life insurance, long-term disability, short-term disability, health, medical, retirement or any other

Respectfully submitted,

CONKLIN, WOODCOCK & ZIEGLER, P.C.

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